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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,346	12/01/2000	Richard G. Sheehan	9518-001-99	1857

7590 07/05/2005

Supervisor, Patent Prosecution Services
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EXAMINER

KARMIS, STEFANOS

ART UNIT PAPER NUMBER

3624

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,346

Applicant(s)

SHEEHAN ET AL.

Examiner

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-23, 25 and 27-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 19-23, 25 and 27-38 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 12-18, 39, 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. The following communication is in response to Applicant's amendment, filed 16 March 2005.

Status of Claims

2. Claims 1, 3, 8-12, 18, 19, 27 and 38 are currently amended. Claims 2, 4, 13-17, 20-23, 25, 28-37 are originally filed. Claims 5-7, 24, and 26 are currently cancelled. Claims 39 and 40 are newly added. Therefore, claims 1-4, 8-23, 25 and 27-40 are currently pending.

Response to Arguments

3. Applicant's arguments, filed 16 March 2005 have been fully considered and are not deemed to be persuasive. Therefore claims 1-4, 8-10, 12-18, 39 and 40 are rejected as stated below and Applicant's request for allowance of these claims is respectfully declined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-10 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luskin et al. (hereinafter Luskin) 6,336,102 in view of Atkins, U.S. Patent 5,875,437.

Claims 1-10 and 12-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Luskin et al. (hereinafter Luskin) 6,336,102 in view of Atkins, U.S. Patent 5,875,437 as stated in the previous office action, mailed 16 December 2004. Regarding claim 1, Applicant has amended the claim and asserts that Luskin in view of Atkins fails to teach useful life of deposits and further states that the present invention are directed at financial assets which include both assets and liabilities. The Examiner respectfully disagrees, Atkins teaches the management of financial accounts including deposits and withdrawals (column 27, lines 35-52) and further teaches that the management techniques of the financial instruments include optimization of assets and liabilities (column 31, lines 25-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Luskin

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which include determining useful life of a financial asset comprising a factor of rates that are keyed to the time horizon of a fund (column 2, lines 24-47) and include the teachings of Atkins for financial instruments which consist of assets and liabilities, including deposits because Atkins teaches combining fixed and floating rates to aid in determining a balance of a loan over different time horizons (column 37, lines 47-67). Atkins further teaches considerations such as net income and dividends when calculating information, which are used in retention rate determination (column 14, lines 45-65 and column 27, line 53 thru column 28, line 67). Atkins provides information needed used to determine various rates, which can be used in time horizon determinations, and it provides an efficient data for determining a factor of a financial instrument such as useful life as well as provides information needed used to determine various rates, which can be used in time horizon determinations.

The Examiner would like to remind the Applicant that, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Remaining claims are rejected as stated in the previous office action, mailed 16 December 2004 or with the same reasoning stated above. Therefore claims 1-4, 8-23, 25 and 27-40 remain rejected and Applicant's request for allowance of these claims is respectfully declined. Claims 11, 19-23, 25, and 27-38 remain allowed. Claims 1-4 and 8-18 would be allowable if claim 9 and claim 11 are amended and written into independent claim 1.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
27 June 2005

A handwritten signature in black ink, appearing to read 'H. Kazimi', with a stylized flourish at the end.

HANI M. KAZIMI
PRIMARY EXAMINER